



FILED

APR 20 2004

SURFACE
TRANSPORTATION BOARD

April 19, 2004



VIA UPS NEXT DAY AIR

Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W., Room 504
Washington, DC 20423-0001

FEE RECEIVED

APR 20 2004

SURFACE
TRANSPORTATION BOARD

Attention: Victoria Rutson

**RE: Docket AB-33 (Sub-No. 205X), Union Pacific Railroad Company
Abandonment Exemption - In Sutter County, CA (Yuba City Industrial Lead
from M.P. 136.38 near Marysville, California to M.P. 139.77, a Distance of
3.39 Miles in Sutter County, California)**

Dear Ms. Rutson:

Pursuant to 49 U.S.C. §10502, Union Pacific Company submits the original and ten (10) copies of a Petition for Exemption, with Verification, to abandon the above-referenced rail line. The Certificate of Service and Publication pursuant to 49 C.F.R. §1152.60(d) and 49 C.F.R. §1105.12 is attached to the petition.

Also enclosed is a draft Federal Register notice pursuant to 49 C.F.R. §1152.60(c). Three computer diskettes containing the draft Federal Register notice, as well as the Petition for Exemption and Certificate of Service and Publication is also enclosed.

Please file the Petition for Exemption in Docket No. AB-33 (Sub-No. 205X). Further, please contact Barbara Saddler at the STB to obtain Union Pacific's voucher for \$4,700 for the filing fee which is in the vault at the STB for safekeeping.

Sincerely yours,

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Office of Proceedings

APR 20 2004

Part of
Public Record

Enclosures

O:\ABANDONMENTS\33-205X\STB-002.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

01

Surface Transportation Board
Section of Environmental Analysis
April 19, 2004
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cc (w/ enclosures):

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

U. S. Department of the Interior
National Park Service
Recreation Resources Assistance Div.
P.O. Box 37127
Washington, D.C. 20013-7127

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Building
14th Street & Independence Ave., S.W.
Washington, D.C. 20250

Executive Director
Public Utilities Commission of The State of California
Attn: Tack Joe - Rail Safety
505 Van Ness
San Francisco, CA 94102

Rail Program Manager
Planning Division
California Transportation Department
1120 N Street
Sacramento, CA 95814

Transportation Planner
Department of Transportation
1120 N Street
Sacramento, CA 95814

Surface Transportation Board
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Page 3

Santa Clara County Supervisors
County Courthouse
70 W Hedding, 10th Floor
San Jose, CA 95110 Merced

Big W Sales
P. O. Box 6889
Stockton, CA 95206

California Tomato Product
P. O. Box 1341
Colusa, CA 95932

Colusa Tractor
2100 Colusa - Williams Highway
Colusa, CA 95932

Liberty Packing Company (called Harter Tomato while located at Yuba City)
12045 S. Ingomar Grade Road
Los Banos, CA 93635

Mansfield Associates
955 North George Washington Boulevard
Yuba City, CA 95993

Valley Truck and Tractor
1549 Colusa Highway
Yuba City, CA 95993

NOTICE OF INTENT TO ABANDON

UNION PACIFIC RAILROAD COMPANY ("UP") gives notice that on or after April 8, 2004, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption under 49 U.S.C. Section 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting the abandonment and discontinuance of service over the Yuba City Industrial Lead from M.P. 136.38 near Marysville to M.P. 139.77 near Colusa Junction, a distance of 3.39 miles, in Sutter County, California (the "Line"). The Line traverses U. S. Postal Service Zip Codes 95932, 95592, and 95593. The proceeding has been docketed as No. AB-33 (Sub-No.205X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, Washington, D.C. 20423 or by calling SEA at (202) 565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, D.C. 20423-0001 [See 49 C.F.R Sections 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 C.F.R. Section 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance at (202) 565-1650. Copies of any comments or requests for conditions should be served on the applicant's representative: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606.

UNION PACIFIC RAILROAD COMPANY

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 205X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --

IN SUTTER COUNTY, CALIFORNIA
(YUBA CITY INDUSTRIAL LEAD)

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SURFACE
TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065

Dated: April 19, 2004
Filed: April 20, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 205X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --

IN SUTTER COUNTY, CALIFORNIA
(YUBA CITY INDUSTRIAL LEAD)

PETITION FOR EXEMPTION

I.

INTRODUCTION

Union Pacific Railroad Company ("UP") hereby petitions the Board, pursuant to 49 U.S.C. §10502, to grant an exemption from 49 U.S.C. §§10903 in order to permit abandonment and discontinuance of service over the Yuba City Industrial Lead from Milepost 136.38 near Marysville, California to Milepost 139.77 near Colusa Junction, California, a distance of 3.39 miles in Sutter County, California (the "Line"). There are no shippers on the Line that will be adversely affected by the proposed abandonment.

Six customers used the Line during 2002 and one customer used the Line in 2003. 672 cars were handled on the Line in 2002 and only one car in 2003. Shipper plant relocations off the Line and changes in logistical patterns have eliminated rail activity on the Line. There is no practicable possibility for substantial new rail business on the Line. The Line does not handle overhead traffic.

UP seeks exemption of this proposed abandonment from regulation under 49 U.S.C. §10903 in accordance with 49 U.S.C. §10502 and the Rules applicable thereto at 49 C.F.R. §1121 and 49 C.F.R. §1152 and the Special Rules at 49 C.F.R. §1152.60.

II.

PETITIONER'S BACKGROUND AND REPRESENTATIVE

UP has rail operations in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. UP owns and operates the Line proposed for abandonment which is located near the town of Marysville and near Colusa Junction in Sutter County, California.

The name, address and telephone number of UP's representative is listed below:

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065

III.

LINE DESCRIPTIONS, ZIP CODE INFORMATION AND MAP

The proposed action involves the abandonment of the Yuba City Industrial Lead from Milepost 136.38 near Marysville to Milepost 139.77 near Colusa Junction, a distance of 3.39 miles in Sutter County, California.

The Line to be abandoned was constructed by Northern Electric Railroad (Sacramento Northern Railway) in 1907. The Line is laid primarily with 60-pound and 85-pound rail supplemented by some short sections of heavier rail material. After abandonment, the Line will be salvaged and the UP's real property interest in the right-of-way that is not in the nature of a franchise in public thoroughfares will likely be sold to local governments or adjacent landowners. The UP's railroad bridge over the Feather River may be suitable for highway use.

The Line traverses U.S. Postal Service Zip Codes 95932, 95592 and 95593.

A map of the Line is attached hereto as **Attachment 1** and hereby made a part hereof.

IV.

SHIPPER INFORMATION

Plant relocations and changes in logistical patterns have eliminated rail activity on the Line. There is no practicable possibility for substantial new rail business on the Line. The customers and associated rail shipment activity levels are as follows:

Big W Sales
P. O. Box 6889
Stockton, CA 95206
2002: Plastic Tanks, STCC 3071383, 1 car, 82 tons
2003: 0

California Tomato Products
P. O. Box 1341
Colusa, CA 95932
2002: Tomato Paste, STCC 2033615, 26 cars, 1815 tons
2003: 0

shipped from warehouse of: Yuba City Refrigeration
P.O. Box 626
Yuba City, CA 95992

Colusa Tractor
2100 Colusa - Williams Highway
Colusa, CA 95932
2002: Tractors, STCC 3522270, 5 cars, 117 tons
2003: Tractors, STCC 3522270, 1 car, 22 tons

Liberty Packing Company (called Harter Tomato while located at Yuba City)
12045 S. Ingomar Grade Road
Los Banos, CA 93635
2002: Tomato Paste, STCC 2033615, 618 cars, 40,364 tons
Tomato Sauce, STCC 2033625, 13 cars, 807 tons
Mixed Fruits and Vegetables, STCC 2033991, 1 car, 67 tons
Food Sauces NEC, STCC 2035930, 1 car, 69 tons
Mixed Canned Goods, STCC 2099511, 1 car, 66 tons
2003: 0

Mansfield Associates
955 North George Washington Boulevard
Yuba City, CA 95993
2002: Plastic Tanks, STCC 3071383, 1 car, 4 tons
2003: 0

Valley Truck and Tractor
1549 Colusa Highway
Yuba City, CA 95993
2002: Tractors, STCC 3522270, 4 cars, 127 tons
Combines, STCC 3522590, 1 car, 33 tons
2003: 0

Harter Tomato closed its Yuba City area plant. All other customers active in 2002 or 2003 now utilize locations off the Line for rail activity. After abandonment the closest rail line will be the UP main line at Marysville, just across the Feather River from Yuba City. The area is served by several major state highways, including north-south routes 70 and 99, and east-west route 20. It is unlikely that new rail -oriented customers

would locate along the Line since development trends are moving away from such locations. The Line does not handle overhead traffic.

V.

REASONS FOR THE ABANDONMENT

There appears to be no reasonable alternative to the abandonment. There will be no adverse effect on shippers, and there is no continuing traffic base left on the Line.

The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation; however, the railroad bridge over the Feather River may be suitable for highway use. It is unlikely that new rail-oriented customers would locate along the Line since development trends are moving away from such locations. The Line does not handle overhead traffic.

The UP is of the opinion that the proposed abandonment would be beneficial to the UP and interstate commerce.

REASONABLE ALTERNATIVE; VIABILITY

There appears to be no reasonable alternative to the abandonment. There will be no adverse effect on the former shippers on the Line in that they have all ceased using the Line. Given the absence of current rail activity and the low probability of any future business, abandonment is warranted. The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation; however, the railroad bridge over the Feather River may be suitable for highway use.

VII.

THE EXEMPTION STANDARDS HAVE BEEN MET

A. The abandonment requires an exemption from 49 U.S.C. §10903.

Abandonment of rail lines requires authorization and approval of the Board pursuant to 49 U.S.C. §10903. However, 49 U.S.C. §10502 requires the Board to exempt a transaction when it finds: (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101; and (2) either the transaction is of limited scope or Board regulation is not necessary to protect shippers from an abuse of market power. UP's proposal for abandonment and discontinuance of operations clearly satisfies the standards for exemption under 49 U.S.C. §10502.

Detailed scrutiny by the Board under 49 U.S.C. §10903 is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101. An exemption will minimize UP's administrative expense and the cost, preparation and review associated with progressing the proposed abandonment in a full application proceeding. An exemption will

expedite regulatory action and will reduce regulatory barriers to exit from the Line consistent with Sections 10101(2) and (7). An exemption will foster sound economic conditions in the transportation industry consistent with Section 10101(5), by permitting UP's abandonment of the Line and avoiding the need to retain and operate a rail line that will not be used by any shipper.

The proposed abandonment is clearly a transaction of "limited scope." The Line is only 3.39 miles long and will have no recurring local traffic. In addition, regulation of this abandonment is not needed to protect shippers from an abuse of market power, since shipper plant relocations and changes in logistical patterns have eliminated rail activity on the Line

VIII.

LAND AREA, FEDERAL GRANT INFORMATION, AND PUBLIC USE

The right-of-way is approximately 3.39 miles in length. The Line runs west across the Feather River and through central Yuba City, then turns northwestward to terminate outside the town. The right-of-way is of varying widths, being 100 feet or less on the east side of the river, widening to as much as 300 feet in an industrial and yard area in Yuba City proper, then narrowing again to 100 and 150 feet as the end of the Line is reached. The topography is generally flat.

The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation; however, the railroad bridge over the Feather River may be suitable for highway use. The land proposed for abandonment is a mixture of non-

reversionary and reversionary. Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

IX.

LABOR

UP is agreeable to the labor protection conditions imposed in abandonment proceedings as prescribed in Oregon Short Line R. Co. - Abandonment - Goshen, 360

ICC 91 (1979).

X.

ENVIRONMENTAL AND HISTORIC REPORT.

The required environmental and historic information is contained in the Combined Environmental and Historic Report which was served on February 19, 2004. A copy of the Report is attached hereto as **Attachment 2**. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis, on February 18, 2004, for filing.

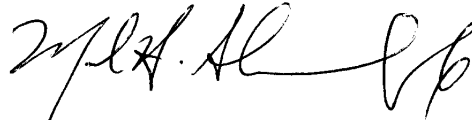
Subsequent to the filing of the combined Environmental and Historic Report no additional letters were received by UP from any federal, state or local governmental agency concerning any conditions to be imposed on the abandonment.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment from the provisions of 49 U.S.C. §10903 and direct that the exemption be effective on the date of the Board's decision.

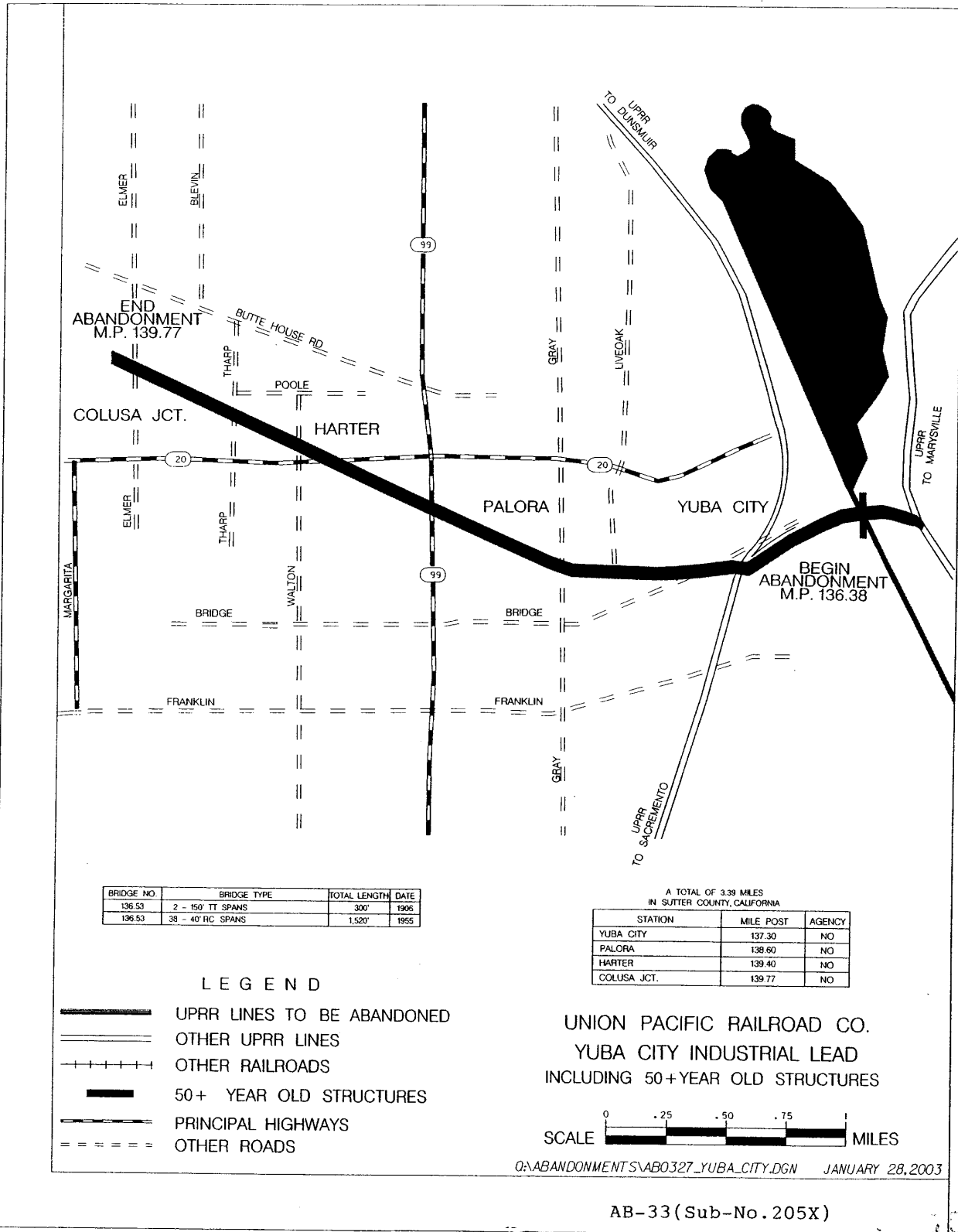
Dated this 19th day of April, 2004.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "M. H. Shumate, Jr.", with a stylized flourish at the end.

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065



COPY

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 205X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SUTTER COUNTY, CALIFORNIA
(YUBA CITY INDUSTRIAL LEAD)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

ATTACHMENT 2

Dated: February 18, 2004
Filed: February 19, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 205X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SUTTER COUNTY, CALIFORNIA
(YUBA CITY INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service from M.P. 136.38 near Marysville to M.P. 139.77 near Colusa Junction, a distance of 3.39 miles, in Sutter County, California (the "Line"). The Line traverses U. S. Postal Service Zip Codes 95932, 95592, and 95593.

The UP anticipates that a Petition For Exemption to abandon the Line will be filed at the STB on or after March 10, 2004.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP's letter to federal, state and local government agencies marked **Attachment No. 2** is attached hereto and hereby made a part hereof. Responses received to UP's letters to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment and discontinuance of service over the Yuba City Industrial Lead from M.P. 136.38 near Marysville to M.P. 139.77 near Colusa Junction, a distance of 3.39 miles, in Sutter County, California. Six customers used the Line during 2002 and one customer used the Line in 2003. 672 cars were handled on the Line in 2002, one car in 2003. Plant relocations and changes in logistical patterns have eliminated rail activity on the Line. There is no practicable possibility for substantial new rail business on the Line. The customers and associated rail shipment activity levels are as follows:

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Harter Tomato closed its Yuba City area plant. All other customers active in 2002 or 2003 now utilize locations off the Line for rail activity. After abandonment the closest rail line will be the UP main line at Marysville, just across the Feather River from Yuba City. The area is served by several major state highways, including north-south routes 70 and 99, and east-west route 20.

There appears to be no reasonable alternative to the abandonment. There will be no adverse effect on shippers, and there is no continuing traffic base left on the

Line. It is unlikely that a new rail user would locate in the area of the proposed abandonment. There is no overhead traffic on the Line.

The Yuba City Industrial Lead was constructed in 1907 by the Northern Electric Railroad (Sacramento Northern Railway). The Line is laid primarily with 60- and 85-pound rail, supplemented by some short sections of heavier rail material.

The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation; however, the railroad bridge over the Feather River may be suitable for highway use. The land proposed for abandonment is a mixture of non-reversionary and reversionary. Based on information in our possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1**.

(2) **Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: There should be no impact on regional or local transportation systems or patterns and there will be no diversion of freight to other modes of transportation.

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans. The Sutter County Supervisors Office has been contacted. To date no response has been received.

(ii) The United States Natural Resources Conservation Service has been contacted. To date UP has received no response.

(iii) Not Applicable.

(iv) Generally, the right-of-way is not suitable for public use under 49 U.S.C. § 10905.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There will be no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no increase in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion of this magnitude.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted. To date we have received no response.

(ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The California Environmental Protection Agency has been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted. To date no response has been received.

(iii) In that the track structure will not be removed, it is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See Attachment No. 1.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The Line runs west across the Feather River and through central Yuba City, then turns northwestward to terminate outside the town. Right-of-way is of varying widths, being 100 feet or less on the east side of the river, widening to as much as 300 feet in an industrial and yard area in Yuba City proper, then narrowing again to 100 and 150 feet as the end of the Line is reached. The topography is generally flat.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: The California Department of Parks and Recreation, Office of Historic Preservation was provided with photographs of the two (2) railroad bridge sections at milepost 136.53. A copy of the letter to the Office of Historic Preservation and pictures are attached hereto as **Attachment No. 3**, and hereby made a part hereof. The Office of Historic Preservation's response, which concurs with the STB's determination that the two (2) aforementioned railroad bridge sections are not eligible for inclusion on the NRH and that the two (2) bridges have no strong associations with significant historical events or persons and are not examples of outstanding engineering design or function, is attached hereto as **Attachment No. 4**, and hereby made a part hereof.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: The bridges and their dates of construction are listed on the map, **Attachment No. 1**, and in the letter, **Attachment No 3**.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: Not applicable.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction of the Line.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 18th day of February, 2004.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

O:\ABANDONMENTS\33-205x\EHR.wpd

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 205X) for the Yuba City Industrial Lead in Sutter County, California was served by first class mail on the 18th day of February, 2004 on the following:

State Clearinghouse (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

**State Coastal Zone Management Agency
(if applicable):**

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

Sutter County Supervisors
County Courthouse
1160 Civic Center Blvd., Suite A
Yuba City, CA 95993-3007

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 1
911 NE 11th Avenue
Portland, OR 97232-4181

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Sacramento
1325 J Street
Sacramento, CA 95814

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Sacramento
1325 J Street
Sacramento, CA 95814

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

California Department of Parks and Recreation
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

Response: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction of the Line.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: UP does not have any such readily available information.

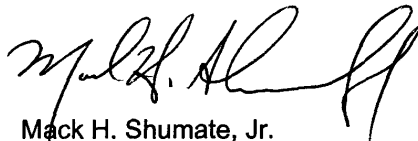
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

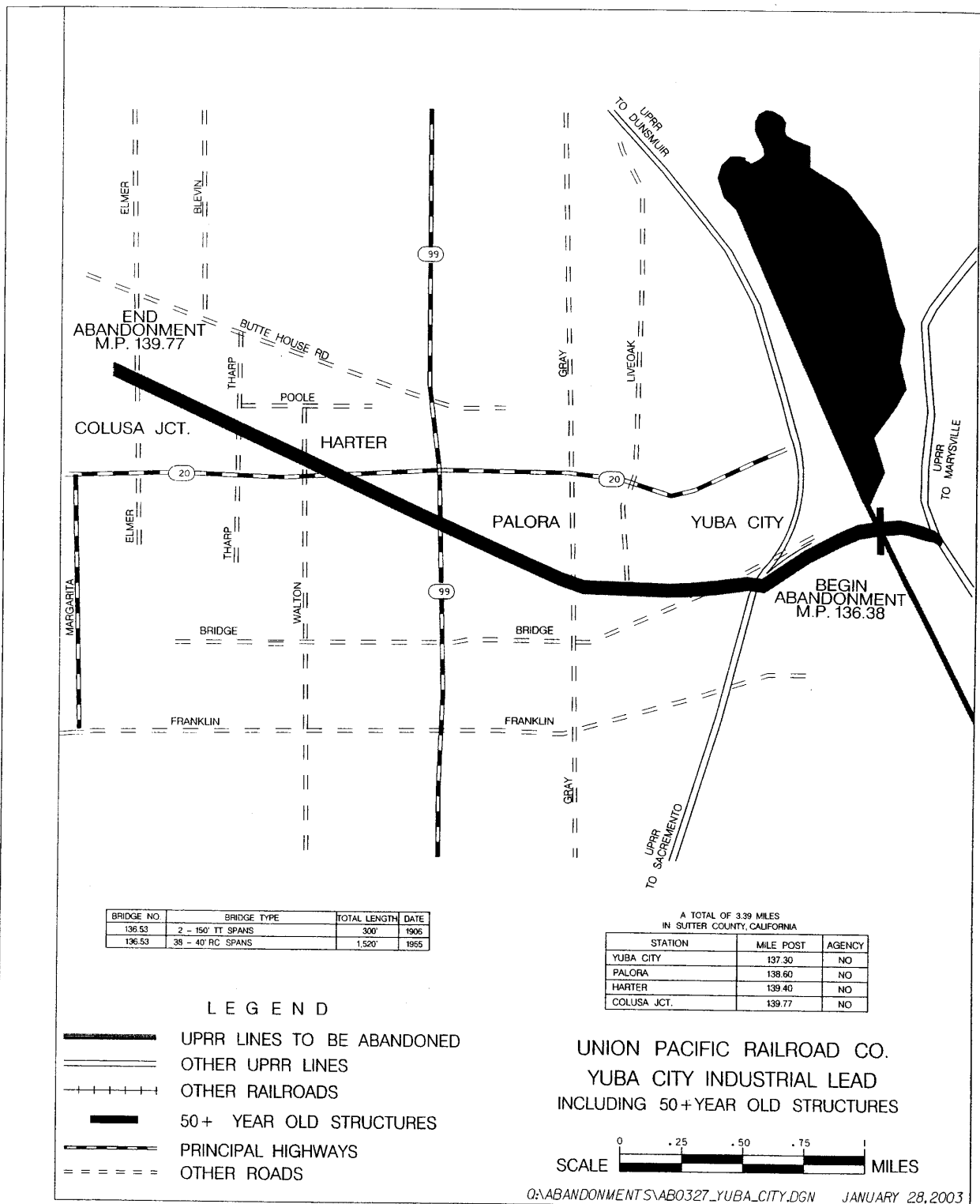
Dated this 18th day of February, 2004.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX



AB-33 (Sub-No. 205X)

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY



Attachment 2

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861

(402) 271-5625 (FAX)

July 8, 2003

State Clearinghouse (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

**State Coastal Zone Management Agency
(if applicable):**

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

Sutter County Supervisors
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1160 Civic Center Blvd., Suite A
Yuba City, CA 95993-3007

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 1
911 NE 11th Avenue
Portland, OR 97232-4181

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1325 J Street
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National Park Service
William D. Shaddox
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1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

California Department of Parks and Recreation
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

Re: Proposed Abandonment of the Yuba City Industrial Lead from M. P. 136.38 east of Yuba City Station to M. P. 139.77 near Colusa Junction in Yuba City, Sutter County, California; STB Docket No. AB-33 (Sub-No. 205X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Yuba City Industrial Lead from M. P. 136.38 east of Yuba City Station to M. P. 139.77 near Colusa Junction, a distance of 3.39 miles in Yuba City, Sutter County, California. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission. If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

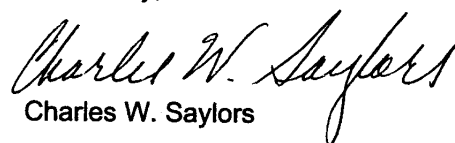
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

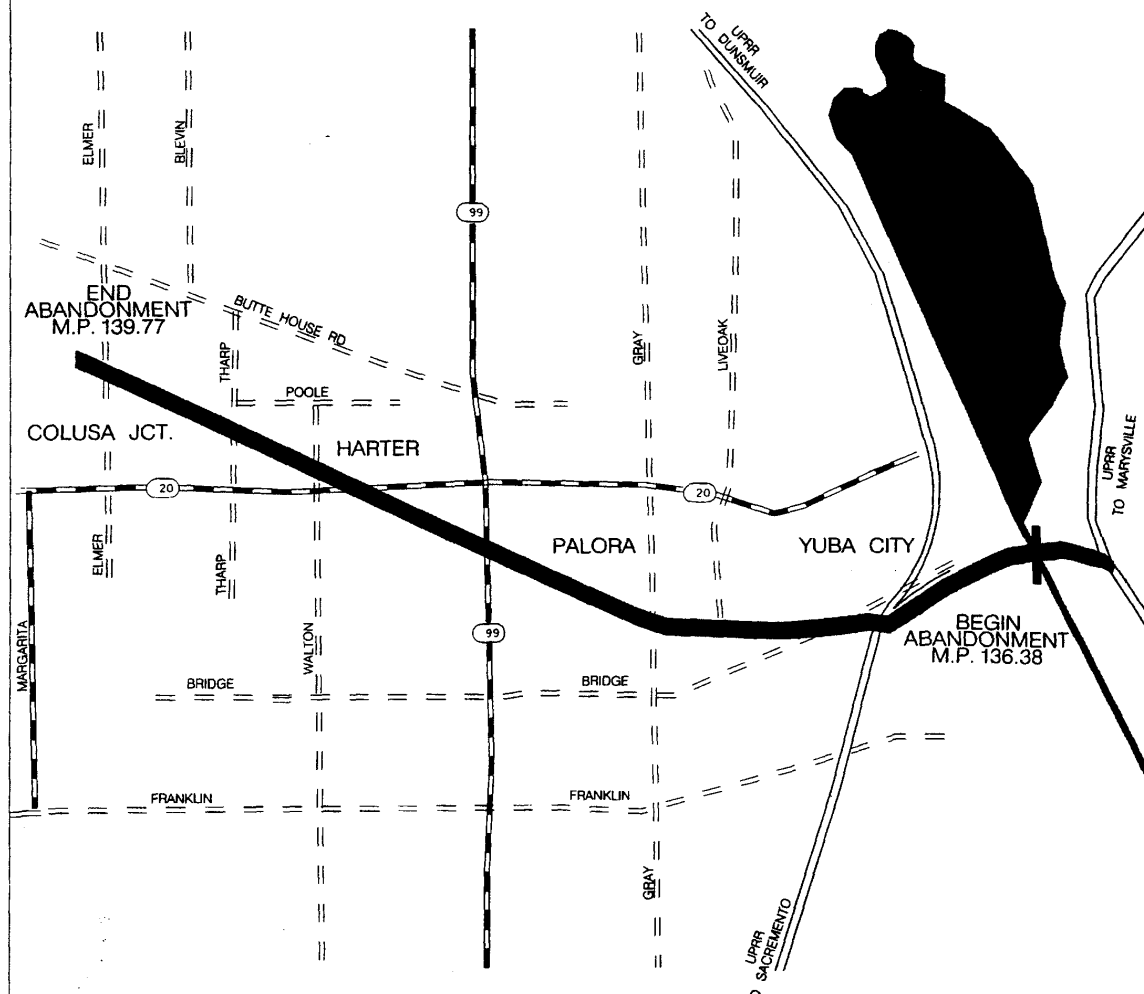
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
136.53	2 - 150' TT SPANS	300'	1906
136.53	38 - 40' RC SPANS	1,520'	1955

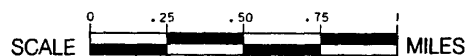
A TOTAL OF 1.39 MILES
IN SUTTER COUNTY, CALIFORNIA

STATION	MILE POST	AGENCY
YUBA CITY	137.30	NO
PALORA	138.60	NO
HARTER	139.40	NO
COLUSA JCT.	139.77	NO

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.
YUBA CITY INDUSTRIAL LEAD
INCLUDING 50+ YEAR OLD STRUCTURES



Q:\ABANDONMENT\SVAB0327_YUBA_CITY.DGN JANUARY 28, 2003

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

Attachment 3

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861



September 30, 2003

California Department of Parks and Recreation
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

RE: Docket AB-33 (Sub-No.205X), Union Pacific Railroad Company -
Abandonment Exemption - In Sutter Clara County, California (Yuba City
Industrial Lead from Milepost 136.38 east of Yuba City Station to Milepost
139.77 near Colusa Junction in Yuba City, a distance of 3.39 miles)

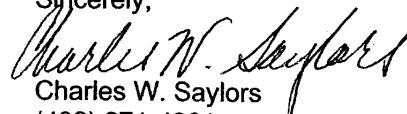
Dear Sir:

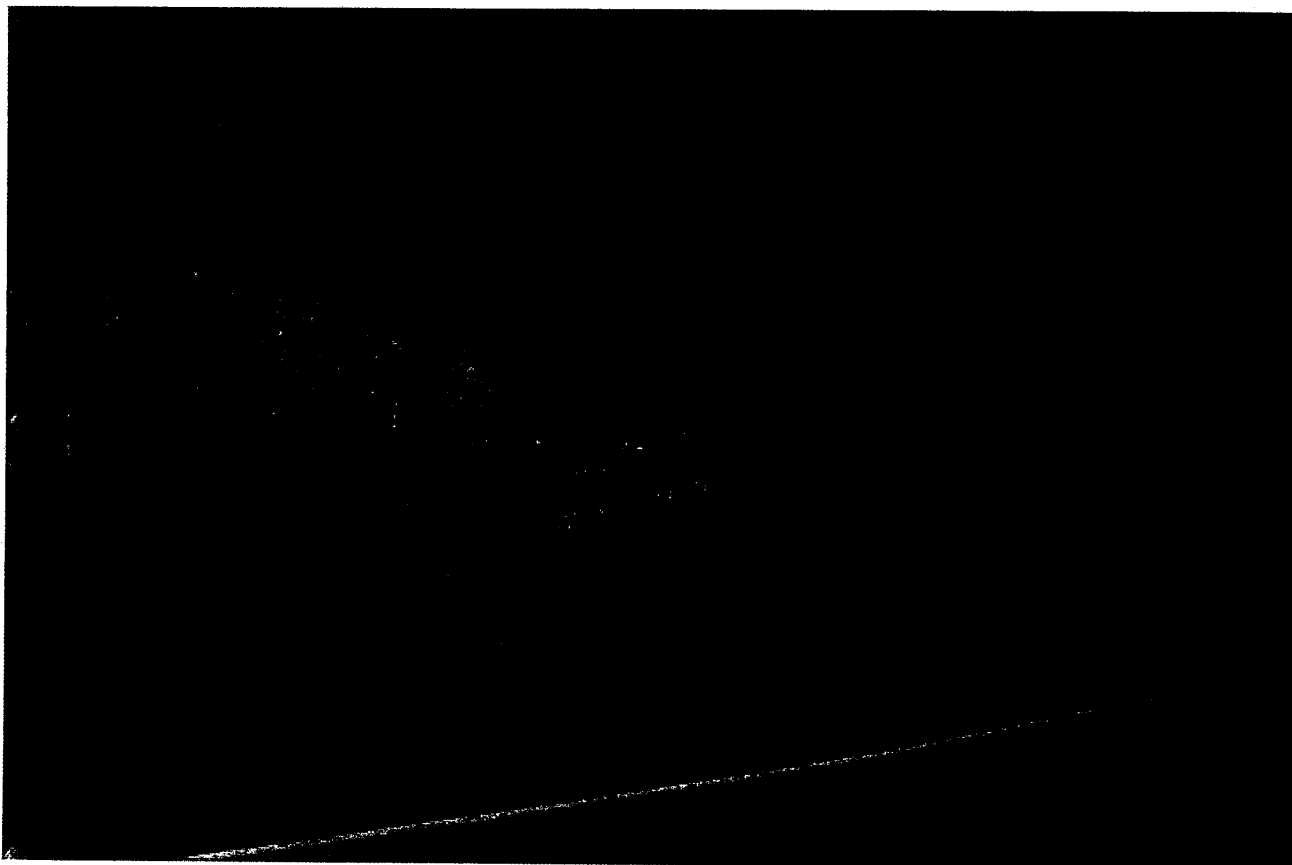
Enclosed for your review are nine photographs of the two sections of the bridge located at milepost 136.53 on the Yuba City Industrial Lead, along with a map showing the proposed abandonment. The 300-foot section is over 50 years old, whereas the 1,520-foot section is not yet 50 years of age. The bridge sections are described as follows:

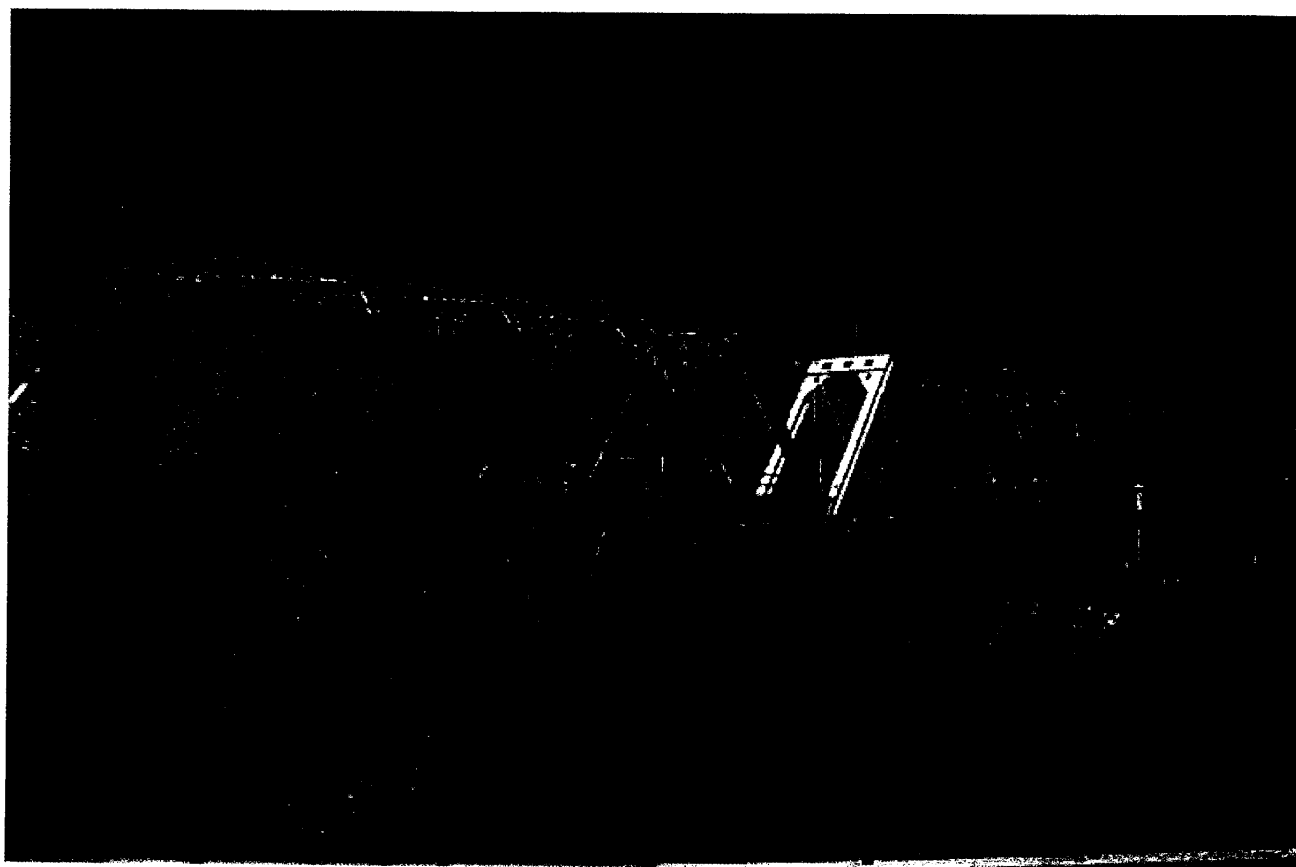
<u>Milepost</u>	<u>Description</u>	<u>Date Constructed</u>
136.53	2 - 150' TT Spans Total Length: 300 Feet	1906
136.53	38 - 40' RC Spans Total Length: 1,520 Feet	1955

Please advise if you believe there is any historical significance to the bridge.
Thank you for your assistance.

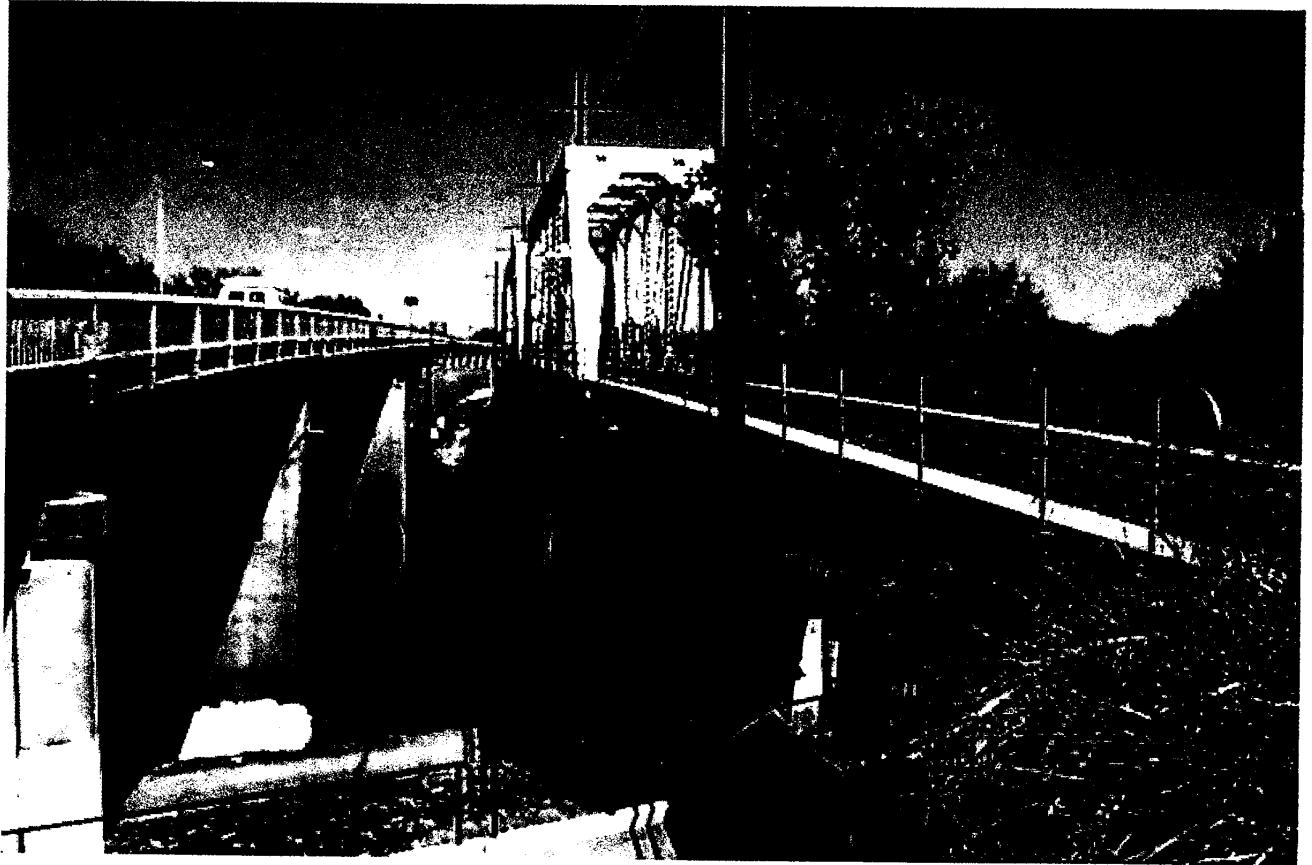
Sincerely,

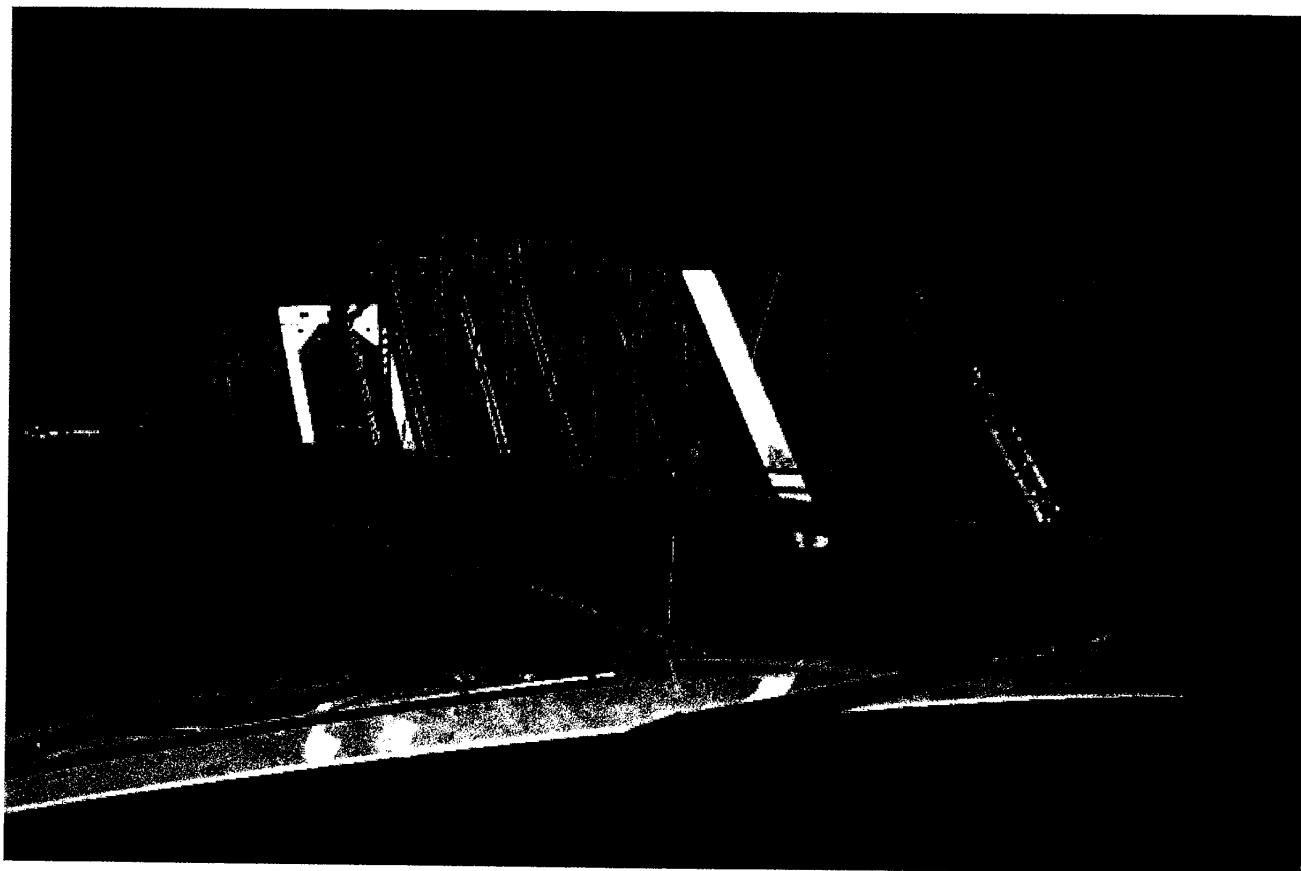

Charles W. Saylor
(402) 271-4861

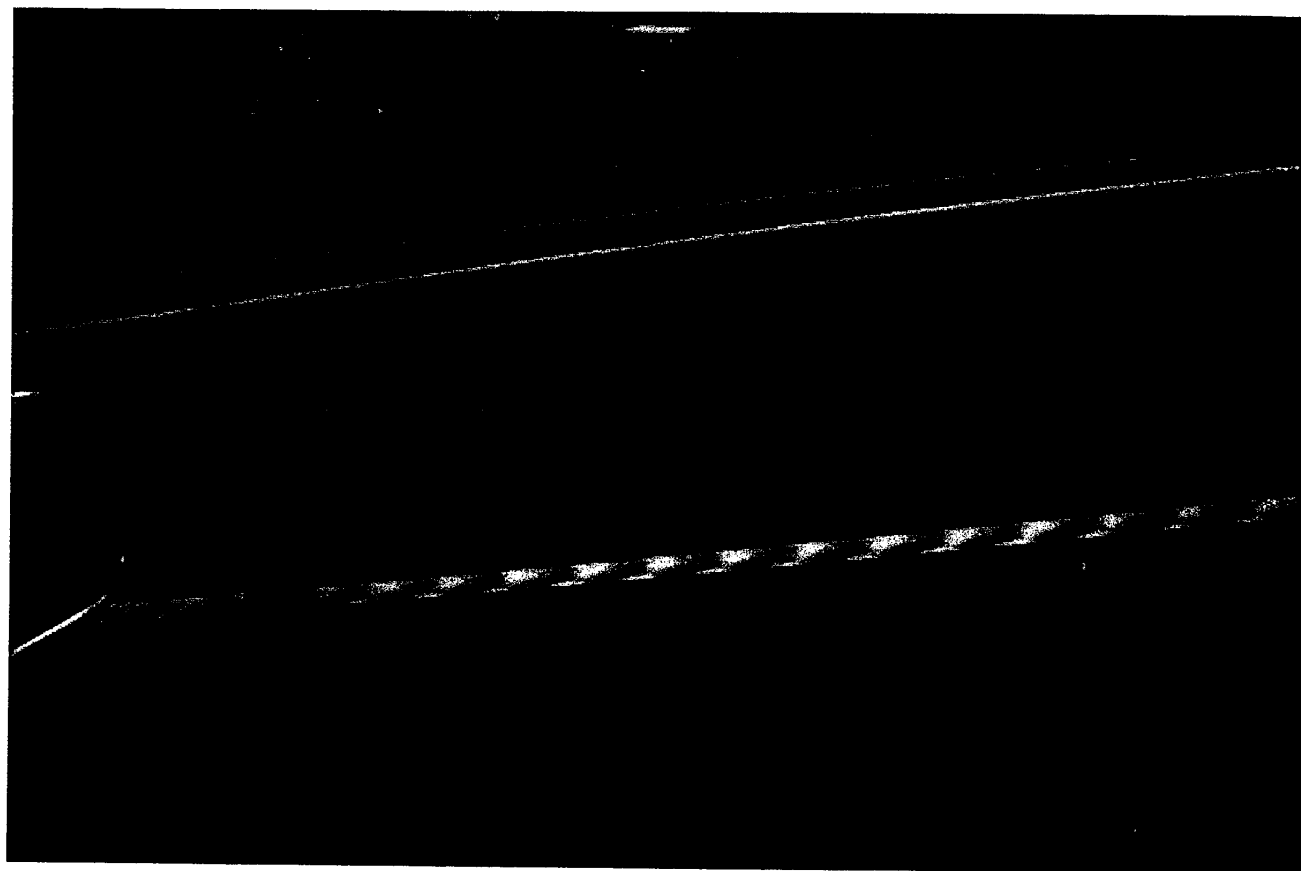






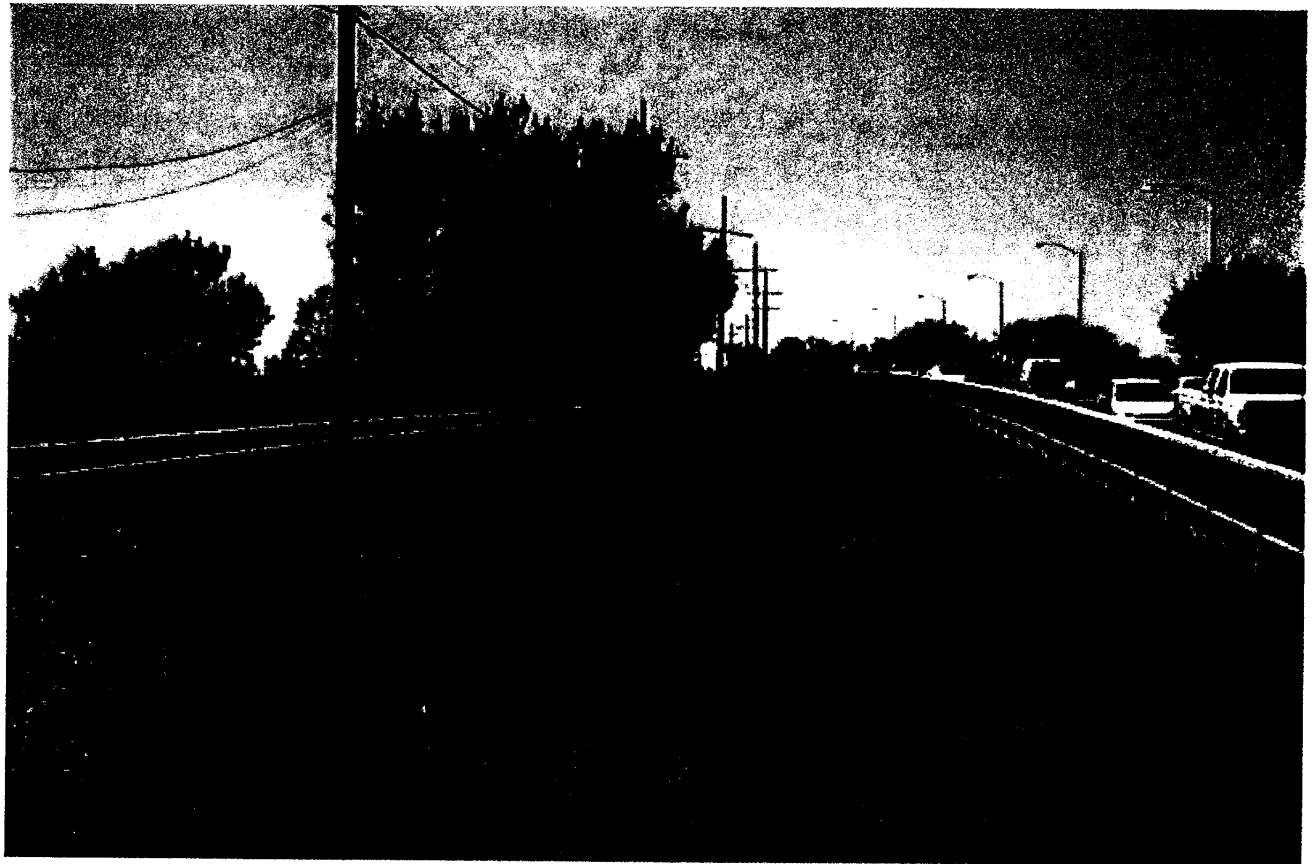


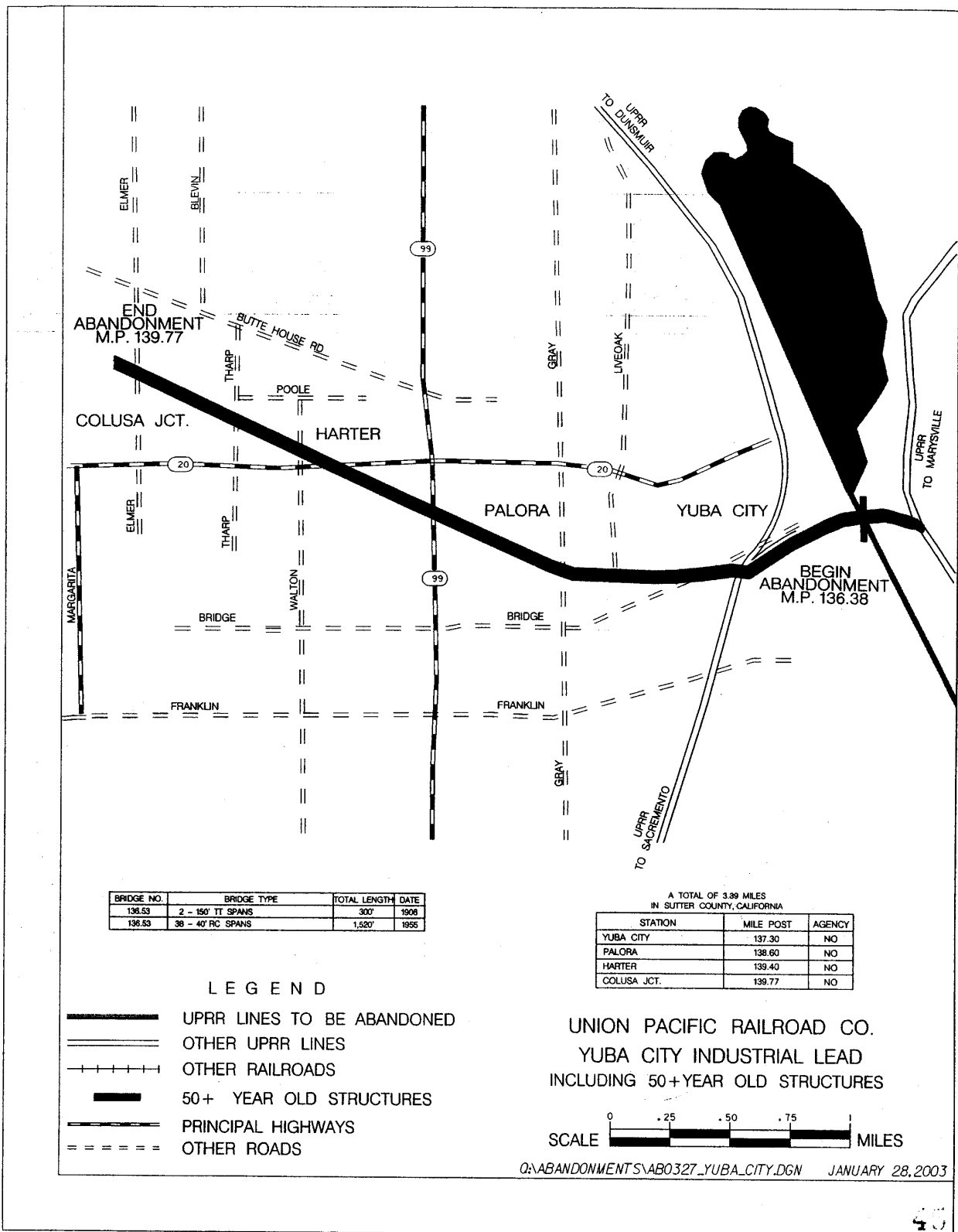












**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@mail2.quiknet.com



December 3, 2003

REPLY TO: STB031003A

Charles W. Saylor
Union Pacific Railroad Company
1416 Dodge Street
OMAHA NB 68179

Re: Proposed Abandonment of Union Pacific Railroad Tracks between Mileposts
136.38 and 139.77 in Yuba City, Sutter County.

Dear Mr. Saylor:

Thank you for submitting to our office, on behalf of the U.S. Surface Transportation Board (STB), your September 30, 2003 letter and supporting documentation regarding the proposed abandonment of Union Pacific Railroad (UPRR) tracks located between Mileposts (MP) 136.38 and 139.77 in the City of Yuba City in Sutter County, California. Two adjacent railroad bridge sections located along the alignment have been identified as being located at MP 136.53. One section was constructed in 1906 and the other section was constructed in 1955.

STB is seeking my comments on its determination of the eligibility of the aforementioned bridge structure sections for inclusion on the National Register of Historic Places (NRHP) in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. A review of the submitted documentation leads me to concur with STB's determination that the aforementioned bridge structure sections are not eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The properties have no strong associations with significant historical events or persons and are not examples of outstanding engineering design or function.

Thank you again for seeking my comments on your project. If you have any questions, please contact staff historian Clarence Caesar by phone at (916) 653-8902, or by e-mail at ccaes@ohp.parks.ca.gov.

Sincerely,

Dr. Knox Mellon
State Historic Preservation Officer

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 205X) for the Yuba City Industrial Lead in Sutter County, California was served by first class mail on the 18th day of February, 2004 on the following:

State Clearinghouse (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

**State Coastal Zone Management Agency
(if applicable):**

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

Sutter County Supervisors
County Courthouse
1160 Civic Center Blvd., Suite A
Yuba City, CA 95993-3007

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 1
911 NE 11th Avenue
Portland, OR 97232-4181

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Sacramento
1325 J Street
Sacramento, CA 95814

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

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Sacramento
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1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

California Department of Parks and Recreation
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

Other - Former Shippers:

Big W Sales
P. O. Box 6889
Stockton, CA 95206

California Tomato Product
P. O. Box 1341
Colusa, CA 95932

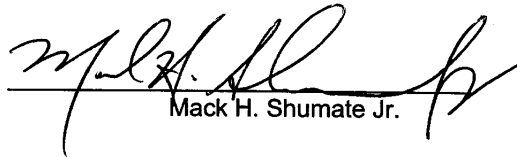
Colusa Tractor
2100 Colusa - Williams Highway
Colusa, CA 95932

Liberty Packing Company (called Harter Tomato
while located at Yuba City)
12045 S. Ingomar Grade Road
Los Banos, CA 93635

Mansfield Associates
955 North George Washington Boulevard
Yuba City, CA 95993

Valley Truck and Tractor
1549 Colusa Highway
Yuba City, CA 95993

Dated this 18th day of February, 2004


Mack H. Shumate Jr.



February 18, 2004

State Clearinghouse (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

**State Coastal Zone Management Agency
(if applicable):**

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

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County Courthouse
1160 Civic Center Blvd., Suite A
Yuba City, CA 95993-3007

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75 Hawthorne Street
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Portland, OR 97232-4181

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U.S. Army Engineer District
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1325 J Street
Sacramento, CA 95814

National Park Service:

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Washington, DC 20240

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Washington, DC 20240

**U.S. Natural Resources Conservation
Service:**

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Natural Resource Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

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1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

California Department of Parks and Recreation
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

Other - Former Shippers:

Big W Sales
P. O. Box 6889
Stockton, CA 95206

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12045 S. Ingomar Grade Road
Los Banos, CA 93635

Mansfield Associates
955 North George Washington Boulevard
Yuba City, CA 95993

Valley Truck and Tractor
1549 Colusa Highway
Yuba City, CA 95993

**Re: Docket No. AB-33 (Sub-No. 205X), Union Pacific Railroad Company -
Abandonment Exemption, In Sutter County, CA (Yuba City Industrial Lead)
from M.P. 136.38 near Marysville to M.P. 139.77 near Colusa
Junction, a distance of 3.39 miles**

Dear Sirs:

On or after March 10, 2004, we expect to be filing with the Surface Transportation Board (STB or Board) a Petition for Exemption seeking authority to abandon and discontinue operations over the Yuba City Lead from M.P. 136.38 near Marysville to M.P. 139.77 near Colusa Junction, a distance of 3.39 miles, in Sutter County, California (the "Line"). The Line traverses U. S. Postal Service Zip Codes 95932, 95592, and 95593. Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

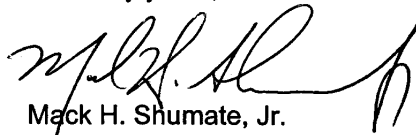
We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Numbers:

Surface Transportation Board
Section of Environmental Analysis (SEA)
1925 K Street, N.W., Room 504
Washington, D.C. 20423-0001
Telephone (202) 565-1545

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. UP's representative in this matter is the undersigned and may be contacted at the address and telephone number indicated on this letterhead.

Sincerely yours,



Mack H. Shumate, Jr.
Senior General Attorney

VERIFICATION

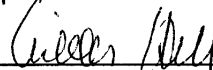
STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Omaha, Nebraska, this 12th day of April, 2004.

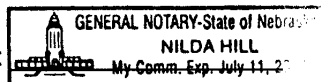

Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO
before me this 12th day of
April, 2004.



Notary Public

My Commission expires:



CERTIFICATE OF SERVICE AND PUBLICATION

The undersigned hereby certifies that a copy of the foregoing Petition for Exemption in Docket No. AB-33 (Sub-No. 205X) by Union Pacific Railroad Company was served on the date indicated below by mailing a copy, first class mail postage prepaid to the following:

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

U. S. Department of the Interior
National Park Service
Recreation Resources Assistance Div.
P.O. Box 37127
Washington, D.C. 20013-7127

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Building
14th Street & Independence Ave., S.W.
Washington, D.C. 20250

Executive Director
Public Utilities Commission of The State of California
Attn: Tack Joe - Rail Safety
505 Van Ness
San Francisco, CA 94102

Rail Program Manager
Planning Division
California Transportation Department
1120 N Street
Sacramento, CA 95814

Transportation Planner
Department of Transportation
1120 N Street
Sacramento, CA 95814

Santa Clara County Supervisors
County Courthouse
70 W Hedding, 10th Floor
San Jose, CA 95110 Merced

Big W Sales
P. O. Box 6889
Stockton, CA 95206

California Tomato Product
P. O. Box 1341
Colusa, CA 95932

Colusa Tractor
2100 Colusa - Williams Highway
Colusa, CA 95932

Liberty Packing Company (called Harter Tomato while located at Yuba City)
12045 S. Ingomar Grade Road
Los Banos, CA 93635

Mansfield Associates
955 North George Washington Boulevard
Yuba City, CA 95993

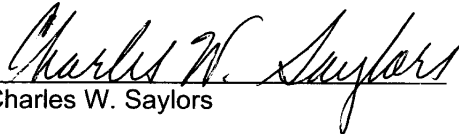
Valley Truck and Tractor
1549 Colusa Highway
Yuba City, CA 95993

The undersigned further certifies that a notice of the abandonment was published one time in the County where the rail line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Sutter	<i>Marysville Appeal-Democrat</i>	April 9, 2004

The above newspaper is generally circulated in the county where the rail line is located. The Notice as published was in the form prescribed by the Board for a Petition for Exemption at 49 CFR 1105.12.

Dated this 12th day of April, 2004.


Charles W. Saylor

DRAFT FEDERAL REGISTER NOTICE
[49 C.F.R. § 1152.60(c)]

STB No. AB-33 (Sub-No. 205X)
Notice of Petition for Exemption to Abandon or
to Discontinue Service

On April 20, 2004, Union Pacific Railroad Company filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment and discontinuance of service on the Yuba City Industrial Lead from M.P. 136.38 near Marysville, California to M.P. 139.77, a distance of 3.39 miles in Sutter County, California (the "Line"). The Line traverses U. S. Postal Service Zip Codes 95939, 95592 and 95593. The proceeding has been docketed as No. AB-33 (Sub-No.205X). There are no agency stations on the Line.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected as required by 49 U.S.C. 10903(b)(2).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis, telephone (202) 565-1545.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.